

REMARKS

Claims 1-3 are all the claims pending in the application.

Initially, Applicants request acknowledgement of the certified copy of the priority document filed March 20, 2002. Although the Office Action states that the certified copy has not yet been received, Applicants' filing receipt shows that on March 20, 2002 Applicants filed the certified copy of the priority document together with an executed Assignment and executed Declaration. A copy of the date-stamped filing receipt is enclosed. The PTO acknowledged these filings in the Official Filing Receipt dated May 1, 2003.

Applicants also respectfully request an initialed copy of PTO form SB/08 submitted with the Information Disclosure Statement filed April 18, 2002. Additionally, Applicants filed an Information Disclosure Statement on December 16, 2003.

The title is objected to as non-descriptive. In response, Applicants have provided a substitute title that more clearly describes the representative invention of Applicants' claims: "High Voidage Phosphor Layer and Vacuum UV Excited Light Emitting Element." Applicants respectfully request that the objection be withdrawn.

Claims 1-3 are rejected under 35 U.S.C. § 103 as obvious over Kado in view of Ono.

The Office Action notes that Kado does not disclose Applicants' claimed phosphor having a BET specific surface area of not less than 3 m²/g.

Ono is asserted to address the deficiency in Kado.

Both Ono and the present application were commonly owned and assigned to Sumitomo at the date of invention of the present application. Therefore, Ono is not prior art, pursuant to the provisions of 35 U.S.C. § 103(c).

Statement of Common Ownership

The undersigned hereby represents that Ono et al. and the claimed invention of the present application were, at the time the invention of the present application was made, owned or subject to an obligation of assignment to Sumitomo Chemical Company, Ltd..

In view of the above, it is respectfully submitted that Ono et al. is not available as art under 35 U.S.C. §103 and it is requested that the rejection based on Ono et al. be reconsidered and withdrawn.

Moreover, in regard to the disclosure of Ono, this reference is asserted disclose an aluminum compound used for producing phosphor having a BET surface area of 100 m²/g or more.

However, Ono does not disclose that a BET specific surface area of phosphor which is obtained by mixing the aluminum compound and a metal compound, and calcining the mixture is not less than 3 m²/g.

Therefore, even if Kado is combined with Ono, this combination at most discloses a phosphor having a specific voidage obtained from an aluminum compound having a specific BET surface area, but does not teach or suggest Applicants' claimed invention.

Therefore, the cited references do not render Applicants' claimed invention unpatentable, and it is respectfully requested that the rejection be withdrawn.

AMENDMENT UNDER 37 C.F.R. § 1.111
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In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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